

**TOWN OF DAVIE**  
**TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Barbara McDaniel, MMC, Assistant Town Clerk/954-797-1023

**PREPARED BY:** Barbara McDaniel, MMC, Assistant Town Clerk/954-797-1023

**SUBJECT:** September 15, 2008 minutes

**AFFECTED DISTRICT:** n/a

**ITEM REQUEST:** **Schedule for Council Meeting**

**TITLE OF AGENDA ITEM:** September 15, 2008 (Special Meeting)

**REPORT IN BRIEF:** Council minutes from the September 15, 2008 Council meeting.

**PREVIOUS ACTIONS:** n/a

**CONCURRENCES:** n/a

**FISCAL IMPACT:** not applicable

Has request been budgeted? n/a

**RECOMMENDATION(S):** Motion to approve

**Attachment(s):** September 15, 2008 minutes

**TOWN OF DAVIE  
SPECIAL MEETING  
SEPTEMBER 15, 2008**

The meeting was called to order at 12:09 p.m. and was followed by the Pledge of Allegiance.

Present at the meeting were Mayor Truex, Vice-Mayor Luis, Councilmembers Caletka, Crowley and Starkey. Also present were Town Administrator Shimun, Town Attorney Rayson, and Assistant Town Clerk McDaniel recording the meeting.

1.                   **SOLID WASTE ASSESSMENT - A RESOLUTION OF THE TOWN OF DAVIE,**  
R-2008-212       FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE IN THE TOWN OF DAVIE, FLORIDA; REIMPOSING SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF DAVIE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

Mr. Rayson read the resolution by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Councilmember Caletka announced that since this contract had been initiated and revised before he was a Councilmember and he did not agree with the terms, he would vote against it.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - no; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 4-1)

2.                   **FIRE RESCUE ASSESSMENT - A RESOLUTION OF THE TOWN OF DAVIE,**  
R-2008-213       FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF DAVIE, FLORIDA; REIMPOSING FIRE RESCUE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF DAVIE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

Mr. Rayson read the resolution by title.

Budget & Finance Director Bill Ackerman advised that the proposed fire assessment was \$104 per resident, which was the same rate as last year. He displayed a

chart depicting the fire assessments of all municipalities in Broward County and pointed out Davie was in the lower one-third. Mr. Ackerman said that several municipalities had increased their assessments significantly in the last year. He reminded Council that they were permitted to increase the fire assessment to cover 100% of fire related expenses, but had chosen not to do so. Mr. Ackerman explained that the Town's assessment represented approximately 40% of the actual cost of services and the remaining 60% was subsidized using the general fund.

Mayor Truex opened the public hearing portion of the meeting.

A retired resident said that she understood the firefighters wanted a raise, but wondered where she would get the additional funds. Mayor Truex reminded her there would be no increase in the assessment. He acknowledged the confusion because of the notice that had been sent. Mr. Ackerman explained that the consultants had determined that the total costs for the fire services were \$290 per resident. Council had decided to cap the assessment at \$150 and residents had been notified this would be the maximum the Town could charge. The TRIM notice indicated the assessment cap would be \$120. Mr. Ackerman explained that Council's decision to cap the assessment at \$150 meant that if they wanted to raise the assessment in the future another evaluation must be performed.

Pete Witschen, representing Nova Southeastern University, distributed a letter from Dr. Hanbury expressing some of the University's concerns. He drew Council's attention to section 3 paragraph C, and asked if the \$5,976,623 figure was correct. Mr. Ackerman confirmed that this was the total they intended to collect through the fire assessment. Mr. Witschen asked for clarification of which educational institutions would be billed. Mr. Ackerman stated that the colleges, such as Nova, Florida Atlantic University and Broward College.

Patrick Toma, owner of Seminole Health Club, said that he had not paid his fire assessment from the previous year yet because it was "an excessive amount of \$17,975." He noted that it had decreased this year, even though the Town said that the assessment was staying the same. Mr. Ackerman said that staff was working with the consultant and planned to meet over the next couple of weeks regarding this issue. The question was whether the Seminole Health Club's classification should be changed, which would be brought back to Council for review. Consultant Chris Wallace explained that this property was a mixed-use development that was categorized as an amusement park. The reason the assessment was high was because there was a travel trailer lot on the property. Mr. Wallace said that historically, travel trailers were assessed the commercial rate based upon the lot size. He explained that the assessment had decreased this year because the commercial rate had decreased. Mr. Wallace said that staff would meet with Mr. Toma to discuss whether or not his rate was equitable.

Mr. Toma advised that he was aware of the situation with Palma Nova and advised that he would be interested in discussing converting his property into a mobile home park.

As no one else spoke, Mayor Truex closed the public hearing portion of the meeting.

Mayor Truex asked if any of the language regarding who would be assessed and what the categories were had changed from last year, specifically the language regarding universities. Mr. Ackerman said that the resolution was updated to ensure the universities were included.

Councilmember Caletka thanked his fellow Councilmembers for working so hard to ensure they did not need to raise the rate this year.

Councilmember Starkey acknowledged that the Fire Department's expenditures had increased enormously and she believed the fire assessment fee should fund these expenditures. She would have liked to raise the fee enough to put the Town in the median range of municipalities in the County.

Mayor Truex said that he was sensitive to the plight of those on a fixed income, but agreed with Councilmember Starkey that a small increase to \$120 would allow the Town to fund additional firefighter positions. He noted that this increase would not be used to increase salaries or pensions.

Vice-Mayor Luis said that he would support an increase to \$120 as he felt the citizens deserved the finest police and fire service in the County. He stated that the increase would only cost each citizen an additional \$1.33 per month.

Councilmember Crowley was opposed to any increase in the fire assessment. He was under the impression that any increase was meant to fund a new fire station and the firefighters needed to staff that new fire station. Councilmember Crowley believed the \$104 would carry the Town through the next fiscal year and accommodate the needs of the fire services. If the new fire station came online the following year, he recognized the need to increase the assessment for the new facility.

Mr. Shimun warned that if Council increased the fire assessment to \$120 and dedicated it to the Fire Department and then lowered the millage rate proportionally, they would need to lay off employees in other departments.

Councilmember Caletka thought Council was intentionally seeking ways to charge higher taxes. He stated that the Town's reserves were very high and their millage rate was too high, which amounted to over taxation. Mr. Shimun reminded Councilmember Caletka that in the current fiscal year and last year, they had eliminated all capital improvement projects and in the near future "things will start falling apart." He explained that as they built up reserves they would be put into capital improvement projects next year.

Vice-Mayor Luis believed that within six months they would have a location for the new fire station in District 4, and if they had the additional fire assessment funds, they could put temporary housing and employees on that property. Fire Chief Joe Montopoli remembered at their last meeting, they had put a plan in place to hire employees when they opened the station. He advised that he did not have the employees now for that extra unit.

Councilmember Starkey said that the Town must try to provide better service to west Davie and should seek a place to temporarily house a unit within the year. She pointed out that the \$104 assessment did not even factor in inflation and the increase in fuel costs. Councilmember Starkey said that the reserves must be built up and maintained for an emergency, not used to pay for fire services.

Councilmember Starkey made a motion seconded by Mayor Truex, to approve at the \$120 rate.

Councilmember Caletka remembered that staff had recommended keeping the assessment at \$104. He felt it was an insult to the general public if Council raised the assessment after indicating there would be no increase. Councilmember Caletka added there was no line item(s) for which the funds would be used. Mr. Shimun explained that

if they kept the \$104 rate, and they got ahead of schedule on building the new station, they could perform a budget adjustment to fund the station for the remaining portion of this fiscal year out of reserves.

Vice-Mayor Luis asked if Council intended to adjust the millage rate if they increased the fire assessment. Councilmember Starkey believed raising the rate would enable them to build and staff the new station as soon as possible. Councilmember Crowley reminded Councilmember Starkey of Mr. Shimun's suggestion, and stated, "right now, you're funding something that doesn't exist." Councilmember Crowley cautioned that if they changed the rate now they would have to change the millage.

Councilmember Caletka remarked that increasing the fire assessment would result in an overall increase in taxes, which went against the spirit of Amendment 1, which was to lower taxes and pass on the savings to residents. He added that small businesses would suffer most from the increase. Councilmember Caletka reiterated that Council was considering increasing the assessment for items not yet specifically identified.

Vice-Mayor Luis said that if he had assurances that the budget vote would not "go south" on Wednesday, he would support the increase in the assessment. He said that he would back out and remembered Mr. Shimun's suggestion that they could amend the budget if a new fire station came on line during the course of the year.

Councilmember Starkey reminded Council that a few years ago they had conducted a study and created a vision of what the fire assessment should be in order to provide quality service. She said that Council had not wanted to increase the fees and therefore, they had not kept pace with increases to achieve that goal.

Mayor Truex admitted this was a tax increase and pointed out that the solid waste assessment was in the same category, but no one was up in arms about that. Regarding the fact that there was no line item for these funds, he would like to see the money go into hiring additional firefighters.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - no; Councilmember Caletka - no; Councilmember Crowley - no; Councilmember Starkey - yes. (Motion failed 2-3)

Councilmember Crowley made a motion, seconded by Councilmember Caletka, to approve the \$104 rate. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Luis - yes; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - no. (Motion passed 3-2)

There being no further business to discuss and no objections, the meeting was adjourned at 1:08 p.m.

Approved\_\_\_\_\_

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Mayor/Councilmember

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Town Clerk